

## **Exhibit 6**

**GREGORY J. CANNATA & ASSOCIATES**

THE WOOLWORTH BUILDING  
259 BROADWAY, 5TH FLOOR  
NEW YORK, NEW YORK 10270-0008  
(212) 553-9205  
FAX (212) 227-4141  
E-MAIL: CANNATA@CANNATALAW.COM

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GREGORY J. CANNATA

ANGELINA L. ADAM  
LLOYD M. ROBERTS  
ALISON CANNATA HENDELE

OF COUNSEL:  
ROBERT A. GROCHOW, P.C.

PARALEGALS:  
BARBARA DOMINO  
APRIL FARRIOR  
SYLVIA KIELBOWICZ  
MADELINE MUNIZ  
JOSIANE MAZILE  
MONICA MUNIN  
ANASTASIA KAMBANIS

*Denied, w/out prejudice  
to a motion or stip'n  
to restore the case.  
1-17-12  
Chk Heller*

January 12, 2012

Honorable Alvin K. Hellerstein  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: Maria Moreno aka Maria Solarte, Index 07-CV-01669-AKH

Dear Judge Hellerstein,

We are writing with reference to the above case which was inadvertently dismissed by the Court. This case was dismissed as one of 170 cases identified on Exhibit A attached to an Order of the Court dated December 8, 2011, "Order Denying Plaintiff's Motion to Extend the Deadline for Certifications and Dismissing Cases." (Attached as Exhibit A to this correspondence)

By Order dated November 17, 2011, the Court enlarged the time for the perfecting plaintiffs' answers to interrogatories (requiring appropriate certifications) until December 2, 2011. (Attached as Exhibit B to this correspondence) This office was contemporaneously retained by the plaintiff in mid November 2011 and was in the process of substituting the firm of Worby Groner Edelman & Napoli Bern, LLP as plaintiff's counsel. Having been retained by the plaintiff and in order to protect the plaintiffs rights in going forth with the case, this office uploaded a properly certified database to TCDI on November 18, 2011. (Transmission of such attached as Exhibit C to this correspondence)

In a Notice of Appeal to the Courts' December 8, 2011 Order, said Appeal filed by Worby Groner Edelman & Napoli Bern, LLP on January 5, 2012, we noticed that this case was incorrectly included on the Exhibit A referenced within that Order. (Attached as Exhibit D, same as Exhibit A above, with Notice of Appeal appended)

While the Court's ECF system still lists this case as open, we are concerned that it may eventually be closed and/ marked dismissed.

Additionally, please note that all parties should have knowledge that this case is in fact continuing by virtue of the lists of open that were recently provided to defense liaison. In a recent review of those lists with defense to clarify cases continuing in the litigation, no defendant has questioned this matter as an open file and continuing.

**GREGORY J. CANNATA & ASSOCIATES**

**RELIEF REQUESTED:** We request the Court to sua sponte nullify and vacate the dismissal nunc pro tunc with reference to this action, Maria Moreno aka Maria Solarte, Index 07-CV-01669-AKH, and that the Clerk of the Court be directed to note same in the docket.

Respectfully,

  
Robert Grochow

Attachments

cc: Defense liaison group 21MC102 (AKH)

Worby Groner Edelman & Napoli Bern, LLP